



CITY OF HAMPTON  
MAYOR AND CITY COUNCIL  
REGULAR SESSION  
December 11, 2018  
6:30 p.m.

AGENDA

1. Opening Ceremonies.

A. Call to Order.

B. Invocation.

Pastor Craig McAdams – City of Hampton Police Chaplain  
Hampton First Baptist Church

C. Pledge of allegiance to the flag.

City of Hampton Police Department

2. Presentation and Approval Of City Council Minutes.

A. Regular Session held November 13, 2018.

B. Special Called Meeting November 13, 2018.

C. Special Called Meeting November 27, 2018.

D. Budget Workshop Meeting December 6, 2018.

3. Invited Guests.

A. Presentation to Employee of the Month.

Hunter Harper, Hampton Youth Council Chair.

4. Public Comments – Not to exceed 30 minutes

Cara Bodie – Presentation on Chickens

Brian Keefer, Hampton Elementary Charter School

5. Reports from Committees and Departments.

6. Consent Agenda.

Consideration of and action on 2019 Alcohol Renewal Licenses.

*(Background checks on all businesses were completed by the Police Department - Please see attached Agenda Cover from City Clerk Melissa Brooks - Recommending Approval)*

7. Old Business.

- A. Consideration of and action on a request for approval to adopt Ordinance # 470 (2<sup>nd</sup> Reading) an Ordinance of the Mayor and City Council amending Chapter 2 Administration, Article VII Code of Ethics, Sections 2-309 Receipt of Complaints and 2-311 Right to Appeal; to allow for the Ethics Committee to serve as the final decision maker for ethics complaints.

8. New Business.

- A. Consideration of and action on a request for approval to adopt Resolution 18-37 Accepting the terms of the Land and Water Conservation Fund Matching Grant in the amount of \$100,000.00. *(Please see attached Resolution and Agenda Cover from Director of Economic Development Director James Bumpus – Recommending Approval)*
- B. Consideration of and action on a request to amend Sec. 42-32 – Definitions. Of the City of Hampton’s Code of Ordinance – Specifically, the definition of “Final Stabilization”. *(Please see Agenda Cover from Director of Community Development Franck Houenou – Recommending Approval)* **ORDINANCE WILL BE PROVIDED**

9. Positive Happenings in our Community.

Mayor and City Councilmembers

10. Executive Session

For the purpose of discussing personnel, possible litigation and real estate.

Action on executive session item (s)

11. Adjournment.

CITY OF HAMPTON  
MAYOR AND CITY COUNCIL  
REGULAR SESSION  
NOVEMBER 13, 2018

**MINUTES**

Present: Mayor Steve Hutchison; Mayor Pro Tem Ann Tarpley; Councilmembers: Stephanie Bodie, Elton Brown, Henry Byrd, Errol Mitchell, and Willie Turner.

Staff: City Manager Charles Coney, City Clerk Melissa Brooks, City Attorney L'Erin Wiggins, Police Chief Derrick Austin, Director of Human Resources Cris Randall, Director of Economic Development James Bumpus, Director of Finance Millie Shah, Director of Community Development Frank Houenou.

Student Interns: Hunter Harper and Ivan Olvera.

Absent: None.

Mayor Hutchison called the October 9, 2018 Regular Session Meeting to Order at 6:30 p.m.

1. Opening Ceremonies.

A. Invocation by Dr. James Bumpus.

B. Pledge of allegiance to the flag.

Members of the Hampton Youth Council led the pledge of allegiance to the flag.

2. Presentation of Employee of the Month and New Employees.

City Manager Coney invited the audience, council and staff to congratulate and acknowledge employee Karol Baker as Hampton's employee of the month. He stated that Karol is well deserving of this honor because she has stepped up in a time of need and taken on additional responsibilities at city hall.

City Manager Coney introduced the following new employees: Dr. James Bumpus, Director of Economic Development, Franck Houenou, Director of Community Development, Millie Shah, Director of Finance.

3. Approval of Minutes.

A. Approval of October 9, 2018 Regular Session Meeting Minutes.

**ACTION:** Councilmember Mitchell motioned to approve October 9, 2018 Regular Session minutes as presented, seconded by Councilmember Byrd.

**Motion Passed (6-0)**

B. Approval of October 22, 2018 Special Called Meeting Minutes.

**ACTION:** Councilmember Mitchell motioned to approve October 22, 2018 Special Called Meeting Minutes as presented, seconded by Councilmember Turner.

**Motion Passed (6-0)**

A. Approval of October 29, 2018 Public Hearing Meeting Minutes.

**ACTION:** Councilmember Mitchell motioned to approve October 29, 2018 Special Called Meeting Minutes as presented, seconded by Councilmember Turner.

**Motion Passed (5-0) – Mayor Pro Tem Tarpley was not present for the public hearing held on October 29, 2018.**

4. Consideration and Approval of Addition to the November 13, 2018 agenda.

Mayor Pro Tem Tarpley motioned to approve the addition of the consideration of Resolutions authorizing contractual services of Abacus CPA, LLC, to the November 13, 2018 Regular Session agenda, seconded by Councilmember Brown.

**Motion Passed (6-0)**

5. Acknowledgement of Guests.

Mayor Hutchison requested all Veterans to stand and be honored for their service to our Country.

Mayor Hutchison gave thanks to all volunteers that help with placing the markers in downtown Hampton.

Mayor Hutchison presented a proclamation honoring Hampton High Softball Team.

6. Presentations and Updates.

Members of the Hampton Youth Council came forward and gave informative updates regarding their visit to Tybee Island, Georgia and Los Angeles, California. They shared with the audience facts regarding how Tybee Island prepare for hurricanes and other natural disasters. At the Youth Symposium, they had the opportunity of meeting with other youths and was able to get ideas of what they would like to see in Hampton's Youth Council.

93  
94 Mayor Pro Tem Tarpley stated that Hampton's Youth Council represented the City well.  
95 She stated that she took a class on how elected officials can better help youth that may  
96 have some challenges (behavioral or mental) in the community. The one thing that she  
97 heard from all the youth was *"They have a Voice and They want to be heard"*. Mayor  
98 Pro Tem Tarpley stated it was reiterated over and over during her sessions – That the  
99 *Youth are not the leaders of tomorrow - they are the leaders of today.*

100  
101 Councilmember Brown stated that he was very impressed with the Youth that was taken  
102 to Los Angeles. I was impressed with the Youth Education and Families Group - Chaired  
103 by the Mayor of East Point Mayor Ingram. They have a program that's completely  
104 operated by the youth. Within the program they deal with issues such as "youth hunger".  
105 This was a very good conference.  
106

107 7. Public Comments.

- 108  
109 A. Attorney Maurice King came forward and stated that he never got a response for his open  
110 records request that was made in September 2018.  
111  
112 B. Michak Daugherty – 9 Derrick Ave. came forward to request speed bumps on her street.  
113  
114 C. Dexter Cladd – 215 Creekside Cir. - Requested a reduced rate concerning the  
115 subdivision's water bill (due to repairing the pool).  
116  
117 D. Alford Williams – came forward to discuss the number of schools within Henry County.  
118 The County has grown to (14) 5-A schools. Hampton do not have sidewalks stop lights  
119 or school crossing guards. Need to figure out how to conduct business with other  
120 agencies such as NASCAR etc.  
121  
122 E. Gary Smith – came forward and gave thanks to the one person that showed up at the  
123 SPLOST V meeting.  
124  
125 F. Dawn Greer came forward and spoke about the Decorum Resolution and stated that the  
126 council should lead by example. She pointed out that the Resolution only address  
127 decorum for the public and not for the council.  
128  
129 G. Michael Rockhart came forward to chastise the council. Mr. Michael expressed concerns  
130 about the budget.  
131  
132 H. Councilmember Brown stated that he agrees with he public as it relates to the budget –  
133 would it be appropriate to have the City Manager to give the public an update.  
134

135 City Manager Coney that we will be working vigorously between now and the end of the  
136 year with hopes of finalizing the budget.  
137

I. Cathy Gibbs came forward and expressed concerns regarding the zoning and with the mixed-use property being built, how will the flow of traffic be accommodated on East King.

8. Consideration and Approval of Ordinance #466 (2<sup>nd</sup> Reading) – The Future Land Use Map (FLUM) has been updated and is to be presented with a Resolution by the Atlanta Regional Commission. 1<sup>st</sup> Reading was approved on October 9, 2018.

**ACTION:** Mayor Pro Tem Tarpley motioned to approve the (2<sup>nd</sup> Reading) of Ordinance # 466 – update to The Future Land Use Map (FLUM) to be presented with a Resolution by the Atlanta Regional Commission. The Hampton Official Zoning Map has been updated to be in alignment with the FLUM. Councilmember Brown seconded the amended motion for all Mixed-Use developments to require a Conditional Use Permit.

**Motion Passed (6-0)**

**DISCUSSION:**

Councilmember Byrd said that 86 E. Main Street was rezoned from M1 – R1 a couple months ago. There's a 6000 sq. ft. structure that was built. The person that owns the building wasn't aware that the property would be rezoned. The R1 zoning should revert back to M1. The high-density mix use housing should be conditional use. Blanket rezoning was not a smart move.

Stacey Jordan, Chief Zoning Official with Henry County stated that the county has been speaking with Mr. Sloop for several years and rezoning notification was delivered to Mr. Sloop.

Stacey stated that **Ordinance 466 adopts the official zoning map** and not the Future Land Use Map.

Councilmember Brown inquired about the 2 homes that were on property that was zoned M1 - How was these homes permitted when they were not zoned properly? It is my understanding that the building is across its border onto someone else's property.

Attorney Wiggins stated that Mr. Sloop subdivided the property into 4 parcels – he lost 2 of the properties in a foreclosure.

The M1 zoning is questionable because the documents do not support it. There're issues with the structure that needs to be resolved, such as; (1) the structure over reaches the property line (2) No permit (3) No Certificate of Occupancy (4) No utilities.

City Attorney Wiggins stated that she is in communication with the owner's attorney and requested permission to continue working with the attorney toward resolving the issue.

There was a brief discussion regarding the 2 classifications of mixed-use. Mix-use DT and Regular Mixed-use.

9. Consideration and Approval of Resolution #18-32 Adoption of the "Imagine Henry" Henry County and Cities Joint Comprehensive Plan 2040 Update.

Mr. Stacey Jordan came forward and offered background on the Joint Comprehensive Plan and stated that this plan is required by the State of Georgia. The State is okay with cities submitting an individual plan. He explained that all the cities within the county since 1989 has participated in the Joint Comprehensive Plan. Stockbridge is the first city not to participate since 1989.

Councilmember Mitchell voiced concerns about the City of Hampton having its own Comprehensive Plan.

Mr. Jordan stated that this plan was put together by the ARC and its part of the dues that the city pays. Instead of hiring a private consultant and possibly receiving the same product. He explained that the City is not bound by the plan. This is a plan – not law – it can be changed. There're areas of the document that's specific to the City of Hampton.

**ACTION:** Mayor Pro Tem Tarpley motioned to approve Resolution #18-32 – Adoption of the "Imagine Henry" Henry County and Cities Joint Comprehensive Plan 2040 Update, seconded by Councilmember Turner

**Motion Passed (6-0)**

10. Consideration and Approval of Resolution 18-35 appointing the City Clerk as the One Open Records Officer.

**ACTION:** Councilmember Mitchell motioned to approve Resolution 18-35 appointing the City Clerk as the One Open Records Officer, seconded by Councilman Turner.

**Motion Passed (6-0)**

11. Consideration and Approval of Resolution 18-33 support for In-Kind Services to the Miss Georgia Teen USA Pageant.

A brief conversation took place regarding In-kind Services and setting precedent for future requests. Mayor Pro Tem Tarpley asked - Is there any stopping this?

The City Attorney responded – yes – just stop. The city should not be giving away tax payers funds. The City should justify how an event will benefit the public good.

Councilmember Mitchell inquired about placing a moratorium on In-Kind Services.

Councilmember Brown inquired about how much In-kind Service the City has provided since the Resolution's adoption.

**ACTION:** Mayor Pro Tem Tarpley motioned to approve Resolution 18-33 supporting In-Kind Services to the Miss Georgia Teen USA Pageant, seconded by Councilmember Brown.

**Motion Passed (6-0)**

12. Consideration and Approval of Resolution 18-34 support for In-Kind Services to the Hampton Business and Merchants Associations for the Annual Christmas Parade.

**ACTION:** Councilmember Brown motioned to approve Resolution 18-34 supporting In-Kind services to the Hampton Business and Merchants Associations for Annual Christmas Parade, seconded by Mayor Pro Tem Tarpley.

**Motion Passed (6-0)**

13. Consideration and Approval of Resolution 18-21 – Georgia Municipal Association Re-Certification as a City of Ethics.

**ACTION:** Councilmember Mitchell motioned to approve Resolution 18-21 in support of Georgia Municipal Association Re-Certification as a City of Ethics, seconded by Mayor Pro Tem Tarpley

**Motion Passed (6-0)**

14. Consideration and Approval of Beverage Event Application – Jailhouse Brewing Company, LLC is requesting permission to host a Christmas Music Celebration (Open to the Public) on December 22, 2018 from 6:00 p.m. to 10:00 p.m. at 8 Cherry Street.

**ACTION:** Mayor Pro Tem Tarpley motioned to approve Jailhouse Brewing Company, LLC's request to host a Christmas Music Celebration (Open to Public) on December 22, 2018 from 6:00 p.m. to 10:00 p.m. at 8 Cherry Street, seconded by Councilmember Brown.

**Motion Passed (6-0)**

15. Consideration and Approval of Consultant Agreement Resolution for contractual services with Abacus CPA, LLC to provide budget and financial consulting services for the period July 13, 2018 thru November 30, 2018.



**ACTION:** Councilmember Brown motioned to approve Resolution 18-36 - consultant agreement for contractual services with Abacus CPA, LLC to provide budget and financial consulting services for the period July 13, 2018 thru November 30, 2018, seconded by Mayor Pro Tem Tarpley.

**Motion Passed (6-0)**

1. Consideration and Approval of Consultant Agreement Resolution for contractual services with Abacus CPA, LLC to provide budget and financial consulting services for the period December 1, 2018 thru May 31, 2019.

**Item died – No Motion**

**Positive Happenings in our Community**

Councilmember Brown gave positive acknowledgements regarding the Youth Council.

Councilmember Bodie gave appreciation to the volunteers that place the markers in the downtown area.

Councilmember Mitchell gave appreciation to Rebecca for the program event that she coordinated. Councilmember Mitchell stated that within the City of Hampton, if a citizen is experiencing the death of a family member, please notify him. He would like to offer his help to the family.

Councilmember Byrd gave thanks to the American Legion for the program for the Veterans.

Councilmember Byrd acknowledged the passing of former Councilmember Roger Betsill.

Mayor Hutchison gave acknowledgement and appreciation to the American Legion for the Veterans Program. Mayor Hutchison stated that Mr. Anderson is offering \$1,000.00 scholarships to seniors – please see me if you need additional information.

**ACTION:** Mayor Pro Tem Tarpley motioned to enter Executive Session at 8:49 p.m. for the purpose of discussing personnel, possible litigation and real estate, seconded by Councilman Brown.

**Motion Passed (6-0)**

**ACTION:** Mayor Pro Tem Tarpley motioned to reconvene the Regular Session at 9:49 p.m., seconded by Councilmember Turner.

**Motion Passed (6-0)**

318 **EXECUTIVE SESSION**

319  
320 **ACTION:** Councilmember Mitchell motioned to terminate employment agreement with City  
321 Manager Charles Coney for the following reasons: Not providing the Budget, not  
322 listening to citizens, and not interacting with the council, seconded by  
323 Councilmember Byrd.

324  
325 Councilmember Mitchell, Bodie & Byrd voted to terminate City Manager Charles Coney.

326  
327 Mayor Pro Tem Tarpley, Councilmembers: Brown & Turner opposed to terminating City  
328 Manager Charles Coney.

329  
330 **Motion Passed (4 – 3) The Mayor cast the tie breaking vote to terminate**

331  
332 There being no further business. Meeting adjourned at 9:50 p.m.  
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336 CITY OF HAMPTON  
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340 Steve Hutchison, Mayor  
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345 Melissa Brooks, City Clerk  
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CITY OF HAMPTON  
MAYOR AND CITY COUNCIL  
SPECIAL CALLED MEETING  
NOVEMBER 13, 2018

**MINUTES**

Present: Mayor Steve Hutchison; Mayor Pro Tem Ann Tarpley; Councilmembers: Stephanie Bodie, Elton Brown, Henry Byrd, Errol Mitchell and Willie Turner.

Staff: City Clerk Melissa Brooks, City Attorney L'Erin Wiggins, Police Chief Derrick Austin, Director of Human Resources Cris Randall, Director of Economic Development James Bumpus, Director of Finance Millie Shah, Director of Community Development Frank Houenou.

Absent: None.

Guest: Irene Borum, Abacus

Mayor Hutchison called the November 13, 2018 Special Called Meeting to Order at 3:00 p.m.

1. Consideration and Approval of Ordinance 464 Amending Chapter 2 Administration, Article III Officers and Employees, Section 2-120 City Manager; to allow for an Amendment to Subsection (d) (14) Powers and Duties of the City Manager. Duties and Transition of the City Clerk.

City Attorney Wiggins stated that this item is a result following a meeting that was held between Mayor Hutchison, City Manager Charles Coney, City Clerk Melissa Brooks and myself regarding the transition of duties of the city clerk. The Governing Body passed an ordinance to be consistent with the City's Charter. The clerk is an appointee of the City Council and serves at the pleasure of the City Council. It was suggested to bring the conversation before the entire City Council.

Mayor Hutchison opened the floor for questions and concerns.

Mayor Pro Tem Tarpley requested for an explanation of the process. She wants to be sure that she is in full understanding of what was discussed at the earlier mentioned meeting and what is being proposed to the council.

City Attorney Wiggins responded by saying – this is a conversation because the council voted to change past procedures.

City Attorney Wiggins stated that according to the City's Charter, interference with employees is prohibited. The recently adopted ordinance is consistent with the charter and it allows City

46 Council to task the City Clerk's position – just as you do the City Attorney or City Manager's  
47 position.

48  
49 The duties of the City Clerk are outlined in the City Charter (City Attorney read duties of the  
50 City Clerk).

51  
52 City Manager Coney stated for the record – these are changes happening post-employment  
53 contract of persons involved. When I, the City Manager came, this was not the organizational  
54 chart. This was not presented to me this way. When we hired the current City Clerk, it was not  
55 presented to her this way.

56  
57 Mayor Hutchison stated that the City Manager is very busy, and the Council needs someone that  
58 they can reach out to.

59  
60 City Manager Coney stated that we learned that your understanding for the need to reach out to  
61 someone is to have a person of contact and that it had nothing to do with organizational work.

62  
63 City Manager Coney stated that this ordinance/change in reporting structure was not to facilitate  
64 organizational work.

65  
66 Mayor Pro Tem Tarpley stated she is not sure why the ordinance was adopted, but those who  
67 voted in for the change should voice what they want to accomplish.

68  
69 Councilmember Byrd stated that I would like to have someone that I can contact when I have  
70 questions. I have attempted to make contact particular staff for answers and had no luck. The  
71 City Clerk is here all the time – she's available. In the past this is how it worked.

72  
73 Councilmember Mitchell requested that we move to the next item of discussion – the budget.

74  
75 Councilmember Brown stated that it's not that easy. We changed the organizational chart to fit a  
76 personal desire. This change happened with no directions or guidance.

77  
78 City Attorney Wiggins stated that it's important that the council understands that the ordinance  
79 was in conflicted with your charter. You changed in practice but never changed the ordinance to  
80 match what your practice had become. Regardless of the reasoning, the organizational chart and  
81 the ordinance that was recently adopted is in tandem with your charter. The charter takes  
82 precedent over everything. The form of government did not change. The Council adopted an  
83 ordinance consistent with the charter.

84  
85 City Attorney Wiggins stated that if a member of the Council has a request that's traditional a  
86 City Manager function – go to the City Manager. If you want something done that falls under  
87 the City Clerk's duties – go to the City Clerk.

88  
89 A brief conversation took place regarding administrative oversight for the City Clerk's position,  
90 such as; evaluations, time off, etc.

92 The question was asked. Who will oversee the clerk's position – Mayor Hutchison stated that the  
93 city clerk will still have to work hand-in-hand with the city manager.

94  
95 Councilmember Brown asked is the council willing to delegate the authority to the City  
96 Manager.

97  
98 Councilmember Bodie stated that the Mayor and City Council will need to know when she's  
99 taking off work.

100  
101 2. Budget Update.

102  
103 City Manager Coney stated that the financial consultant has not been paid for services rendered  
104 for two months in the amount of \$4,063.00.

105  
106 Mayor Hutchison referred to the City's ordinance regarding the City Manager's authority as it  
107 relates to procurement and that the City Manager is not authorized to approve items over  
108 \$2,000.00. He stated that if was two separate checks he would have signed.

109  
110 A brief discussion took place regarding Ordinance 2-120 (d) - City Manager's authority relating  
111 to procurement. City Attorney Wiggins read portions of the ordinance.

112  
113 Councilmember Brown stated for the sake of clarity – there's two checks written, the checks  
114 were not paid, the checks were cancelled, and one check was written to replace the two checks.

115  
116 Councilmember Brown recommended that the Council move forward with approving the  
117 payment in the amount of \$4063.00 for services rendered by the consultant.

118  
119 City Attorney Wiggins stated that item would need to be added to the Regular Session agenda for  
120 approval.

121  
122 Councilmember Mitchell stated that there's only \$6,000.00 allocated in the budget for  
123 contractual services. As of today, what is the expenditures for contractual services. He also  
124 stated that he did not know that the city had contracted with Abacus to do the budget.

125  
126 City Manager Coney stated that when the City entered into the month-to-month agreement with  
127 Abacus – I did not expect to have five or six months of service with Abacus.

128  
129 Mayor Pro Tem Tarpley asked if City Manager Coney secured a contract with Abacus that  
130 would give us the dollar amount to be spent. City Manager Coney said "no" we have an  
131 agreement.

132  
133 City Manager Coney shared a copy of the agreement with Council.

134  
135 City Attorney Wiggins referred to Subsection 2 of the agreement, which gave the term of the  
136 agreement is from July to September (three months). Subsection 3. Compensation – would be a  
137 minimum of \$2,000.00 per month, total service of this contract is \$6,000.00.

138 City Attorney Wiggins stated that the service contract with Abacus should have been voted on by  
139 the City Council. She recommended adding the item to the Council agenda for proper approval.

140  
141 City Attorney Wiggins asked, after the city pays Abacus for services rendered – will the city  
142 continue to do business with Abacus. If the City chose to continue to do business with Abacus a  
143 new contract will need be entered.

144  
145 It was the consensus of the Council to pay Abacus for service rendered.

146  
147 City Manager Coney began the budget update by introducing Ms. Irene Broome.

148  
149 Ms. Broome gave an update of her progress of completing the budget.

150  
151 3. Adjournment at 4:46 p.m.

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156 CITY OF HAMPTON

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160 Steve Hutchison, Mayor

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165 Melissa Brooks, City Clerk

CITY OF HAMPTON  
MAYOR AND CITY COUNCIL  
SPECIAL CALLED MEETING  
NOVEMBER 27, 2018

**MINUTES**

Present: Mayor Steve Hutchison; Mayor Pro Tem Ann Tarpley; Councilmembers: Stephanie Bodie, Elton Brown, Henry Byrd, and Willie Turner.

Staff: City Clerk Melissa Brooks, City Attorney L'Erin Wiggins, Police Chief Derrick Austin, Director of Human Resources Cris Randall, Director of Economic Development James Bumpus, Director of Finance Millie Shah, Director of Community Development Frank Houenou.

Absent: Councilmember Errol Mitchell.

Mayor Hutchison called the November 27, 2018 Special Called Meeting to Order at 9:00 a.m.

1. Discussion of Interim City Manager's Position.

Human Resources Director Cris Randall came forward and stated that with the recent vacancy of the City Manager's position as of November 13, 2018, it is necessary to utilize the City's membership with Georgia Municipal Association's (GMA) to select an interim City Manager.

HR Director Randall stated that GMA maintains a pool of qualified professional candidates. The City received interest from four candidates – one candidate withdrew, leaving a total of three candidates.

HR Director Randall stated that she included in the council's packets three solicited resumes from candidates and one unsolicited candidate resume. In an effort of avoiding any claims of favoritism, names were redacted from the packets. She gave thanks to GMA for a quick turn around in providing candidates. An explanation was provided regarding the one unsolicited resume – stating - The City did not announce accepting resumes from any outside sources – Only candidates provided by GMA.

A brief discussion took place regarding the format/framework for the interview process.

Mayor Hutchison stated that the first three candidates should be called in for an interview.

Councilmember Tarpley asked if this is the normal process for hiring an interim city manager.

HR Director Randall responded – yes. This is the process.

City Attorney Wiggins stated that the charter provides for selection of an interim city manager as soon as possible.

HR Director Randall stated that candidates will need at a week's notice for an interview.

**ACTION:** Mayor Pro Tem Tarpley motioned to interview the first three candidates on December 14, 2018, seconded by Councilmember Brown.

**Motion Passed (5-0)**

2. Consideration and Approval of Rocky Creek Elementary Staff hosting an annual Holiday Party at the old library.

**ACTION:** Councilmember Byrd motioned to approve the request from Rocky Creek Elementary to host their annual Holiday Party at the old Library on December 7, 2018, seconded by Councilmember Brown.

**Motion Passed (5-0)**

3. Consideration and Approval of Ethics Ordinance Section 2-309 (b) (5) and 2-311.

Councilmember Brown stated that amendment to the ordinance will separate City Council from the Ethics Board. This amendment will allow for decisions not to come back to the City Council for a final ruling.

Councilman Byrd stated that Ethics Board members needs to take classes, so that they can be equipped to make ethical decisions – he added that ethics complaints should go to the county for a final ruling.

Councilman Turner stated that if an ethics compliant comes back before the city council – we're not trained to make such a decision.

Councilmember Brown stated that the City recently signed a document reinstating the City as a "City of Ethics" - amending this ordinance is another attempt for the Governing Body to do the right thing.

Councilmember Bodie expressed concerns of not having fair representation on the Ethics Board. There's five members on the Ethics Board and seven members of the Governing Body.

Mayor Pro Tem Tarpley stated that it's not about having fair representation on the Board – it's about coming together and making a fair decision. We can not be the judge and the jury of our own fate.

City Attorney Wiggins stated that if a complaint is filed against a member – he or she would not be able to vote in the decision making.



Councilmember Byrd expressed concerns of not knowing the members of the Ethics Board.

Councilmember Brown stated that members of Council should not know the Ethics Board members.

**ACTION:** Councilmember Brown motioned to approve Ordinance #470 to amend the Ethics Ordinance Section 2-309 (b) (5) and 2-311, seconded by Mayor Pro Tem Tarpley.

**Motion Passed (3-2)**

4. Consideration and Approval of employee Holiday bonus.

Finance Director Mille Shah came forward and stated – FY2019 budget has not been approved, so she is before City Council for approval to issue employee holiday bonuses in the amount of \$150.00 to employees with one year or more of service. She also stated that funds will come from FY2019 budget.

**ACTION:** Councilmember Byrd motioned to approve the request to issue employee holiday bonuses in the amount of \$150.00 to employees with one year of service or more, seconded by Mayor Pro Tem Tarpley.

**Motion Passed (5-0)**

**ACTION:** Mayor Pro Tem Tarpley motioned to adjourn the Special Called Meeting of November 27, 2018, seconded by Councilmember Brown.

**Motion Passed (5-0)**

5. Adjournment at 9:27 a.m.

CITY OF HAMPTON

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Steve Hutchison, Mayor

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Melissa Brooks, City Clerk

CITY OF HAMPTON  
MAYOR AND CITY COUNCIL  
BUDGET WORKSHOP  
DECEMBER 6, 2018

**MINUTES**

Present: Mayor Pro Tem Ann Tarpley; Councilmembers: Stephanie Bodie, Elton Brown, Henry Byrd, Errol Mitchell and Willie Turner.

Staff: City Clerk Melissa Brooks, , Police Chief Derrick Austin, Director of Human Resources Cris Randall, Director of Economic Development James Bumpus, Director of Finance Millie Shah, Director of Community Development Frank Houenou.

Absent: Mayor Steve Hutchison; City Attorney L'Erin Wiggins

The Budget Workshop was called to order at 9:00 a.m.

Finance Director Millie Shah came forward and gave an overview of the FY2019 Budget.

Budget discussions took place on the following items:

- FY2019 All Funds Summary
- FY2019 General Fund Budget Summary
- FY2019 General Fund Balance
- Revenue Anticipations and Expenditure Appropriations
- City Clerk's Budget Presentation
- Department of Human Resources Budget Presentation
- Department of Financial Services Budget Presentation
- Department of Public Safety Budget Presentation
- Department of Public Works Budget Presentation
- Department of Community Development Budget Presentation
- Department of Economic Development Budget Presentation

It was the consensus of the City Council to hold another Budget Workshop on Tuesday, December 11, 2018.

Budget Workshop adjourned at 4:45 p.m.

CITY OF HAMPTON

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Steve Hutchison, Mayor

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Melissa Brooks, City Clerk

## Summary – Employee of the Month

Hunter Harper has been an instrumental in helping the Main Street Program. Since his first day with the City of Hampton, Hunter has been a pleasant and hard-working addition to the City of Hampton team. He has tirelessly worked to help his community, co-workers, and anyone he may come in contact with.

While balancing sports, school, other organizational responsibilities, Hunter has dedicated himself to his position here within the City of Hampton.

A moment that truly showed his dedication to his community was on Saturday, December 1, at the Cookie Decorating with Mrs. Claus event. Hunter arrived at 8AM and worked tirelessly alongside other volunteers—taking the lead on several projects and bolstering moral. At the end of the event, a guest's car had become stuck in the muddy grass behind the library. Despite pouring rain and freezing temperatures, Hunter and two other volunteers rushed to help the guest. Hunter took the lead on organizing the effort to remove the car from the mud and continued to help despite falling into a giant puddle of red clay. It didn't matter that he was shivering from the cold, covered in mud and muck, Hunter remained as positive as ever. Despite repeated attempts to send him home to get warm, Hunter continued to help the guest, and then come back inside to offer help to the Main Street volunteers who were cleaning up. Hunter even offered to drive the young family home since their car couldn't be removed from the mud.

This is just one of the many stories that showcase Hunter's dedication, hard work, perseverance, and radiant positivity. Out of the 496 Volunteer hours I have supervised, Hunter has contributed 44, coming neck to neck with my own husband who has contributed 56. Hunter has also given countless hours of office time to the Main Street Program—and has helped with a wide array of projects. So that is why I believe he should be the employee of the month!



CITY OF HAMPTON GEORGIA

This is to certify that

**HUNTER HARPER**

has been named

**EMPLOYEE OF THE MONTH**

In showing exceptional service, customer care, and community involvement. Performing all duties above and beyond expectation.

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**MELISSA BROOKS**

City Clerk

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**CHRIS RANDALL**

HR Director

## City of Hampton - Council Agenda Item

6C

**Subject:** Approval of 2019 Alcoholic Beverage License

**Date:** 10/15/2018

**Budget Information:** N/A

**Revenues:** N/A

**Expenses:** N/A

**Annual Operating Expense:** \$ **Capital Expense:** \$

**Other:** \$

**Funding Source:** N/A

**Council Action Requested date:** 12/11/2018

### Purpose

- ☐ Information Only
- ☒ Recommendation
- ☐ Policy Discussion
- ☐ Status Report
- ☐ Other

### Purpose:

To Review and approve the following businesses for sale of alcoholic beverages:

#### PACKAGE STORE

Yadavs Inc. dba Cheers  
Mohindar/Vidya Yadav  
106 Woolsey Rd.  
Hampton, GA

#### RETAIL PACKAGE BEER

Prapti Inc. dba S&S Food Mart  
Hari Patel  
1000 Bear Creek Blvd.  
Hampton, GA 30228

Fem & Dee, Inc. dba Hampton Grocery  
Bimal Patel  
7 East Main St.  
Hampton, GA 30228

Circle K  
Cedric Norwood  
32 East Main St., South  
Hampton, GA 30228

Maha Meladi, Inc.  
Sangitaben Patel  
78 Oak Street  
Hampton, GA 30228

Zarina Gas, Inc.  
Hussaiu Lalani  
37 East Main St.  
Hampton, GA 30228

#### ON-SITE DISTILLED SPIRITS & BEER & WINE

Tierra Mia Mexican Cuisine  
Jessica America Vazquez  
14 East Main Street  
Hampton, GA 30228

LA Michoacana Mexican Restaurant  
Mayte Castillo Arreola  
1074 Bear Creek Blvd., Ste. A  
Hampton, GA 30228

Sticks  
Michael Landrum  
106A Woolsey Rd.  
Hampton, GA 30228

#### ON-SITE BEER & WINE

Yumi Japanese Steak House  
Zheng Zong  
10 Oak St.  
Hampton, GA 30228

#### MANUFACTURING

Jailhouse Brewing Company  
8 Cherry St.  
Hampton, GA 30228

### History:

The above businesses are requesting approval of 2019 Alcoholic Beverage Licenses.

### Facts (F) and Issues (I):

- None

Options:

- ☐ No Option Necessary
- ☐ Mayor and Council approve
- ☐ Mayor and Council do not approve
- ☐ Mayor and Council defined option

Department Recommended Action:

Recommendation by City Manager to **APPROVE** Ordinance

Department:

Director	Date
Administrative Comments	Administrative Recommendations
N/A	N/A

Manager	Date
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## City of Hampton - Council Agenda Item

**Subject:** Ordinance #470 (2<sup>ND</sup> READING)

Date: 11/21/2018

Budget Information: N/A

Revenues: N/A

Expenses: N/A

Annual Operating Expense: \$ Capital Expense: \$

Other: \$

Funding Source: N/A

Council Action Requested date: 12/11/2018

### **Purpose**

- ☐ Information Only
- ☒ Recommendation
- ☐ Policy Discussion
- ☐ Status Report
- ☐ Other

**Purpose:** For consideration and approval of amending Chapter 2 Administration, Article VII code of Ethics, Sections 2-309 *Receipt of Complaints* and 2-311 *Right to Appeal*; to allow for the Ethics Committee to serve as the final decision maker for ethics complaints.

### **History:**

None

### **Facts (F) and Issues (I):**

- None

### **Options:**

- ☐ No Option Necessary
- ☐ Mayor and Council approve
- ☐ Mayor and Council do not approve
- ☐ Mayor and Council defined option

### **Department Recommended Action:**

Mayor and City Council's discretion

### **Department:**

\_\_\_\_\_  
Director

\_\_\_\_\_  
Date

Administrative Comments	Administrative Recommendations
N/A	N/A

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Date

STATE OF GEORGIA

CITY OF HAMPTON

ADOPTED BY THE GOVERNING BODY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

**ORDINANCE NO. 470**

**AN ORDINANCE OF THE CITY OF HAMPTON’S MAYOR AND COUNCIL AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE VII CODE OF ETHICS, SECTIONS 2-309 RECEIPT OF COMPLAINTS AND 2-311 RIGHT TO APPEAL; TO ALLOW FOR THE ETHICS COMMITTEE TO SERVE AS THE FINAL DECISION MAKER FOR ETHICS COMPLAINTS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hampton (hereinafter “City”) is governed by the Mayor and Council; and

**WHEREAS**, the City provides for the Ethics Committee to serve as a recommending authority to the City Council in deciding ethics complaints; and

**WHEREAS**, such procedure may pose a conflict when a city council member is the subject of or the filer of an ethics complaint; and

**WHEREAS**, the City has determined that it is in the best interest of justice to allow for the Ethics Committee to be the final decisionmaker on ethics complaints and remove the decision-making authority from the City Council; and

**Section 1. NOW THEREFORE IT IS HEREBY RESOLVED** that Section 2-309(b)(5) of the City Code be repealed and recreated so that as recreated, Section 2-309(b)(5) shall read:

*Sec. 2-309. - Receipt of complaints.*

*(b) Upon receipt of a complaint in proper form, the ethics committee shall:*

- (5) Make the final decision concerning penalties described in section 2-313, or to the city manager, as appropriate, to invoke disciplinary action if the complaint is against a city employee. All decisions of the Ethics Committee to evoke penalties or disciplinary action shall require a vote of the majority of the eligible members of the ethics committee present and voting. If the disciplinary action is to be taken against an employee by the city manager it shall be taken at a time and place the city manager may determine.*



**Section 2.** NOW THEREFORE IT IS HEREBY RESOLVED that Section 2-311 of the City Code be repealed and recreated so that as recreated, Section 2-311 shall read:

*Sec. 2-311. - Right to appeal.*

*Decisions of the Ethics Committee pursuant to this Code of Ethics shall be reviewable by the Superior Court of Henry County upon notice in writing filed within 30 days of receipt of notice of the decision of the Ethics Committee. Review by the Superior Court shall be limited to an inquiry of whether there was any evidence before the Ethics Committee which supported the decision of the Ethics Committee. Provided, however, no action of the Ethics Committee or city council refusing or failing to take action pursuant to this code of ethics shall be reviewable by the Superior Court.*

**Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 4.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

**Section 5.** This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

**Section 6.**

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 7.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 8.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

**SO ORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF HAMPTON, GEORGIA**

\_\_\_\_\_  
**STEVE HUTCHISON**, Mayor

**ATTEST:**

\_\_\_\_\_  
**MELISSA BROOKS**, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**L'ERIN BARNES WIGGINS**, City Attorney

First Reading:      11/27/18

Second Reading/  
Adoption:            \_\_\_\_\_

## City of Hampton - Council Agenda Item

**Subject:** Certifying a Resolution Accepting the Terms of the Land and Water Conservation Fund Matching Grant for \$100,000

Date: 12/5/2018  
Budget Information: N/A  
Revenues: N/A  
Expenses: N/A  
Annual Operating Expense: \$ Capital Expense: \$  
Other: \$  
Funding Source: N/A  
Council Action Requested date: 12/11/2018

### Purpose

- ☐ Information Only
- ☒ Recommendation
- ☐ Policy Discussion
- ☐ Status Report
- ☐ Other

### Purpose:

To set forth a resolution accepting the terms of the Land and Water Conservation Fund Matching Grant for \$100,000 to perform Phase 1 of the work for the creation of the East Hampton Community Park.

### History:

During the Fy'17/18 budget year the Director of the Office of Economic and Community Development applied for and was award a \$100,000 matching grant to perform Phase 1 work to complete an East Hampton Community Park located on a five-acre tract of land parcel 13-00986 (P18Ap00630). See attached for project scope and details.

### Facts (F) and Issues (I):

The City of Hampton will need to match the Land and Water Conservation Grant with \$100,000 out of FY'18/19 budget.

### Options:

- ☐ No Option Necessary
- ☐ Mayor and Council approve
- ☐ Mayor and Council do not approve
- ☐ Mayor and Council defined option

### Department Recommended Action:

Recommendation for APPROVAL by Director of Economic Development

### Department:

Economic Development

12/5/2018

Director

Date

Administrative Comments	Administrative Recommendations
N/A	N/A

Manager

Date

**STATE OF GEORGIA  
CITY OF HAMPTON**

**RESOLUTION 18-37**

**WHEREAS**, at the Regular Meeting of the City Council of Hampton, Georgia held on December 11, 2018, a motion was made and duly seconded that City of Hampton agree to the terms of the contract for a state grant between the Georgia Department of Natural Resources and the City of Hampton for a grant of financial assistance to build the East Hampton Community Park authorize the Mayor to execute said contract on behalf of the City of Hampton, and accept the grant provided for in said contract in the amount of \$100,000.

**NOW, THEREFORE BE IT RESOLVED** by the City of Hampton of Henry County, Georgia that the terms and conditions of the contract between the Georgia Department of Natural Resources and the City of Hampton are hereby agreed to, that the Mayor is authorized and empowered to execute said contract and any subsequent amendments thereto on behalf of the City of Hampton, and the grant provided for in said contract in the amount of \$100,000 is hereby accepted to be used under the terms and conditions of said contract, and that sufficient funds have been designated to assure the acquisition and/or development, operation and maintenance of the facilities and/or delivery of services as identify in said contract.

Read and unanimously adopted in the Regular meeting of City of Hampton held on December 11, 2018.

ATTEST:

\_\_\_\_\_  
City Clerk

(Seal)

City of Hampton  
Henry County, Georgia

BY: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Certification**

I do hereby certify that the above is a true and correct copy of the Resolution duly adopted by the Council on the date so stated in the Resolution.

I further certify that I am the Clerk of the Council and that said resolution has been entered in the official records of said Council and remains in full force and effect the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

Federal Employers Identification #

\_\_\_\_\_  
Clerk Signature

## City of Hampton - Council Agenda Item

**Subject:** Approval to amend Sec. 42-32 - Definitions- of the City of Hampton, GA Code of Ordinances

**Date:** 12/05/2018

**Budget Information:** N/A

**Revenues:** N/A

**Expenses:** N/A

**Annual Operating Expense:** \$ **Capital Expense:** \$

**Other:** \$

**Funding Source:** N/A

**Council Action Requested date:** 12/11/2018

### Purpose

- ☐ Information Only
- ☒ Recommendation
- ☐ Policy Discussion
- ☐ Status Report
- ☐ Other

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### Purpose:

To Review and approve an amendment to Sec. 42-32 - Definitions of the City of Hampton, Code of Ordinances. Specifically, the definition of ``Final Stabilization``.

### History:

I was informed by the Mr. Whitley, the engineer who prepares and submits the NPDES report to the EPD on behalf of the City, that the EPD has been requesting the city code of ordinances to be updated to reflect the current EPD minimum requirements; and the update is required before the EPD will approve the annual stormwater report.

The definition for Final Stabilization was revised in the 2013 *NPDES General Permits for Stormwater Discharges Associated with Construction Activities* and the 2016 Model ES&PC Ordinance; and the EPD has requested that the City amends/revises its code of ordinances, Sec. 42-32 - Definitions. Specifically, the definition of ``Final Stabilization``.

Currently, it is read: ``Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or equivalent permanent stabilization measures (such as the use of riprap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.``

The EPD requests to update that definition to read: ``Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.``

Attached is/are the correspondence from the EPD to City officials regarding the request.

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Facts (F) and Issues (I):

- None

Options:

- ☐ No Option Necessary
- ☐ Mayor and Council approve
- ☐ Mayor and Council do not approve
- ☐ Mayor and Council defined option

Department Recommended Action:

Recommendation by the Director of Community Development to **APPROVE** Ordinance

Department:

\_\_\_\_\_  
Director

\_\_\_\_\_  
Date

Administrative Comments	Administrative Recommendations
N/A	N/A

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Date

**From:** MARK G WHITLEY <mgwhitley@bellsouth.net>  
**Sent:** Monday, December 3, 2018 3:30 PM  
**To:** Franck Houenou <fhoudenou@HAMPTONGA.GOV>  
**Cc:** L'Erin Wiggins <lerin@lfbarneslaw.com>  
**Subject:** Re: Revision to Erosion Ordinance

during the review of the stormwater annual report, EPD made the comment that the City's Erosion and Sedimentation ordinance has not been updated and that previous City personnel were contacted on numerous occasions. Therefore I would like to get the ordinance updated so EPD can approve the annual stormwater report. The changes are attached. See the letter from EPD, copy of the current City ordinance for the section that needs changing, copy of the model ordinance which correlates with the NPDES permit/definition. Let me know if you have any questions. Mark

----- Forwarded Message -----

**From:** "Carubba, Frank" <[Frank.Carubba@dnr.ga.gov](mailto:Frank.Carubba@dnr.ga.gov)>  
**To:** "Granderson, Mildred" <[Mildred.Granderson@dnr.ga.gov](mailto:Mildred.Granderson@dnr.ga.gov)>; "[mgwhitley@bellsouth.net](mailto:mgwhitley@bellsouth.net)" <[mgwhitley@bellsouth.net](mailto:mgwhitley@bellsouth.net)>  
**Sent:** Monday, December 3, 2018 11:57 AM  
**Subject:** FW: Hampton, Henry County - Local Issuing Authority - ES&PC Ordinance - Revisions

Mark –

As requested, pls see email below and the attached pdf documents – if additional information is required, pls do not hesitate to contact me at (404) 651-8550 –

Thanks – Frank

Frank M. Carubba  
EPD Watershed Protection Branch  
2 MLK Jr Drive SW, Suite 1462  
Atlanta, GA 30334

(404) 651-8550

**From:** Carubba, Frank  
**Sent:** Tuesday, November 28, 2017 10:32 AM  
**To:** [shutchinson@hamptonga.gov](mailto:shutchinson@hamptonga.gov); 'jmatthews@cityofhampton-ga.gov'  
**Cc:** Granderson, Mildred; Berry, Michael  
**Subject:** Hampton, Henry County - Local Issuing Authority - ES&PC Ordinance - Revisions

Pls see the attached pdf documents –

Pls note that the definition for **Final Stabilization** was revised in the 2013 *NPDES General Permits for Stormwater Discharges Associated with Construction Activities* and the 2016 Model ES&PC Ordinance – pls revise the City's ordinance accordingly – *an e-copy of the City's amended ordinance is OK* – if additional information is required, pls do not hesitate to contact me at (404) 651-8550.

Thanks – Frank

Frank M. Carubba  
EPD Watershed Protection Branch  
2 MLK Jr Drive SW, Suite 1462  
Atlanta, GA 30334

(404) 651-8550

**From:** Carubba, Frank  
**Sent:** Wednesday, September 5, 2018 1:56 PM  
**To:** 'shutchison@hamptonga.gov'; 'jmatthews@cityofhampton-ga.gov'; 'jmatthews@cityofhamptonga.gov'  
**Cc:** Granderson, Mildred  
**Subject:** FW: Hampton, Henry County - Local Issuing Authority - ES&PC Ordinance - Revisions

Pls see the email below dated 11/28/2017, 02/21/2018 and 06/11/2018 and the pdf attachments – Pls note that the definition for **Final Stabilization** was revised in the 2013 *NPDES General Permits for Stormwater Discharges Associated with Construction Activities* and the 2016 Model ES&PC Ordinance – pls revise the City's ordinance accordingly –

Pls provide a status update and if available a copy of the City's amended ordinance – an e-copy of the City's amended ordinance is acceptable – if additional information is required, pls do not hesitate to contact me at (404) 651-8550 –

Thanks – Frank

Frank M. Carubba  
EPD Watershed Protection Branch  
2 MLK Jr Drive SW, Suite 1462  
Atlanta, GA 30334

(404) 651-8550

**From:** Carubba, Frank  
**Sent:** Monday, June 11, 2018 9:58 AM  
**To:** [shutchison@hamptonga.gov](mailto:shutchison@hamptonga.gov); [jmatthews@cityofhampton-ga.gov](mailto:jmatthews@cityofhampton-ga.gov); [jmatthews@hamptonga.gov](mailto:jmatthews@hamptonga.gov)  
**Subject:** Hampton, Henry County - Local Issuing Authority - ES&PC Ordinance - Revisions

Pls see the email below dated 11/28/2017 and 02/21/2018 and the pdf attachments – Pls note that the definition for **Final Stabilization** was revised in the 2013 *NPDES General Permits for Stormwater Discharges Associated with Construction Activities* and the 2016 Model ES&PC Ordinance – pls revise the City's ordinance accordingly –

Pls provide a status update and if available a copy of the City's amended ordinance – an e-copy of the City's amended ordinance is acceptable – if additional information is required, pls do not hesitate to contact me at (404) 651-8550 –

Thanks – Frank

Frank M. Carubba  
EPD Watershed Protection Branch  
2 MLK Jr Drive SW, Suite 1462  
Atlanta, GA 30334

(404) 651-8550

**From:** Carubba, Frank  
**Sent:** Wednesday, February 21, 2018 3:17 PM  
**To:** 'shutchison@hamptonga.gov'; 'jmatthews@hamptonga.gov'



**Cc:** Granderson, Mildred

**Subject:** RE: Hampton, Henry County - Local Issuing Authority - ES&PC Ordinance - Revisions

Pls provide a status update – if available - *an e-copy of the City's amended ordinance is acceptable*

Thanks - Frank

STATE OF GEORGIA

CITY OF HAMPTON

ADOPTED BY THE GOVERNING BODY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

ORDINANCE NO. 471

**AN ORDINANCE OF THE CITY OF HAMPTON’S MAYOR AND COUNCIL AMENDING CHAPTER 42 ENVIRONMENT, ARTICLE I IN GENERAL, SECTION 42-32 DEFINITIONS; TO AMEND THE DEFINITION OF FINAL STABILIZATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hampton (hereinafter “City”) is governed by the Mayor and Council; and

**WHEREAS**, the City makes an annual National Pollutant Discharge Elimination System (“NPDES”) report to the Environmental Protection Division (“EPD”); and

**WHEREAS**, the EPD revised in the 2013 NPDES General Permits for Stormwater Discharges Associated with Construction Activities and the 2016 Model ES&PC Ordinance the definition of “Final Stabilization”; and

**WHEREAS**, the EPD has requested that the City amend its code of ordinances, Sec. 42-32 – Definitions, specifically the definition of “Final Stabilization” to be in compliance with the EPD; and

**Section 1. NOW THEREFORE IT IS HEREBY RESOLVED** that the definition of Final Stabilization in Section 42-32 of the City Code shall be amended so that the definition of “Final Stabilization” in Section 42-32 shall read:

*Final stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.*

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

**Section 4.** This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

**Section 5.**

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 7.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

**SO ORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF HAMPTON, GEORGIA**

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**STEVE HUTCHISON**, Mayor

**ATTEST:**

\_\_\_\_\_  
**MELISSA BROOKS**, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**L'ERIN BARNES WIGGINS**, City Attorney

First Reading: \_\_\_\_\_

Second Reading/  
Adoption: \_\_\_\_\_